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TO RUEHC/SECSTATE WASHDC 4573  
INFO RUEHAE/AMEMBASSY ASMARA 1446

UNCLAS USUN NEW YORK 000611

SIPDIS

IO/UNP: S.EDMONDSON; L/DL: S. BENDA

E.O. 12958: N/A  
TAGS: QFDP PREL SO  
SUBJECT: SOMALIA UN AMB RESIDENCE - REQUEST TO REMOVE  
IMMUNITY

REF: 05 USUN NEW YORK 1205

¶1. The City of New Rochelle, NY, has contacted USUN/HC and sent a letter to both OFM/NY and USUN/HC requesting assistance to remove the diplomatic immunity from the Somalia UN Mission official residence at 250 Elk Avenue (see text of letter in para 2 and action request in para 5, below).

¶2. Begin text of July 3 letter from New Rochelle City Manager Charles B. Strome, III:

"Re: Request of an immediate lifting of diplomatic immunity to mitigate public safety hazards for Real Property Owned by the Republic of Somalia at 250 Elk Avenue, Block 2111, Lot 50, City of New Rochelle, New York, 10801.

Dear Ms. Winton and Mr. Graham:

This communication is a request for your assistance in getting the necessary approvals for lifting diplomatic immunity for the City of New Rochelle to mitigate public safety hazards at 250 Elk Avenue.

The City of New Rochelle has contacted your office to facilitate correspondence to the Republic of Somalia for the purposes of addressing Housing Code Violations, including maintenance of an in-ground swimming pool with an inadequate fenced area, broken windows, doors and other defects to exterior structures, the abandonment of motor vehicle(s) and vacancy of the residence. Furthermore, the property is blighted with overgrown weeds, grass, and bushes. The police were called to the residence on Sunday, June 29th due to a report of trespassing. See attached violations with photos as of June 2008.

The City has also received complaints from the Forest Heights Neighborhood Association, and inquiry from U.S. Congresswoman Nita Lowey's Office. Although we recognize that diplomatic properties are normally considered inviolable, several attempts to get compliance have not been successful.

Thank you for your time and consideration regarding this matter. If granted permission, the City of New Rochelle will secure the most hazardous conditions per advisement of our Buildings Bureau with a report to your attention, including a copy of our abatement bill to the Republic of Somalia." End text.

¶3. This property has long been the subject of complaints from the City and from neighbors. Per Reftel, following similar complaints in 2005, USUN/HC met with then Somali PermRep Hashi who requested the release of funds from the sale of its Embassy in Washington to repair the property. The property has been unoccupied since 2006. In April,

USUN/HC received photos alerting it to the continued neglect of the property (sent to Department via email). USUN/HC approached Somali DPR Idd Beddel Mohamed who was preparing to leave NY to meet with government officials. He told USUN/HC that he would seek permission to sell the property. There is no evidence, however, that his requests have been successful and he has suggested that the USG may be able to influence the current government to act more quickly on the matter.

¶4. Meanwhile, the property continues to be a public safety hazard and USUN/HC has also been informed that DPR Mohamed has been interviewed by the NY Times for an article it intends to publish on problems communities have with diplomatic neighbors. USUN/HC recommends that Department use its contacts with the Somali Government to encourage immediate attention to secure the property and undertake the actions required by New Rochelle, or to sell it since it has been unable to maintain it safely for years.

¶5. ACTION REQUEST: USUN/HC seeks Department guidance on a response to the urgent issues raised in the above letter.  
Khalilzad